

Appointment

From: Tyler, Tom [Tyler.Tom@epa.gov]
Sent: 1/27/2021 12:49:37 PM
To: Tyler, Tom [Tyler.Tom@epa.gov]; Keigwin, Richard [Keigwin.Richard@epa.gov]; Collazo Reyes, Yvette [CollazoReyes.Yvette@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]; Hartman, Mark [Hartman.Mark@epa.gov]; Siciliano, CarolAnn [Siciliano.CarolAnn@epa.gov]; Freedhoff, Michal [Freedhoff.Michal@epa.gov]; Hofmann, Angela [Hofmann.Angela@epa.gov]
CC: Tyler, Tom [tyler.tom@epa.gov]; Smith, Peterj [Smith.Peterj@epa.gov]; Mayes, Desmond [Mayes.Desmond@epa.gov]; Wormell, Lance [Wormell.Lance@epa.gov]; Mosby, Jackie [Mosby.Jackie@epa.gov]; Gray, Shawna [Gray.Shawna@epa.gov]; Cole, Joseph E. [cole.josephe@epa.gov]; Kaczmarek, Chris [Kaczmarek.Chris@epa.gov]; Fisher, Bethany [fisher.bethany@epa.gov]; Sadowsky, Don [Sadowsky.Don@epa.gov]; Anderson, Steve [Anderson.Steve@epa.gov]; Aranda, Amber [aranda.amber@epa.gov]; Rebersak, Shannon [rebersak.shannon@epa.gov]; Koch, Erin [Koch.Erin@epa.gov]
Subject: Regulatory Freeze Memo
Attachments: Copy of final-rules-effective-2021.1-14-21.xlsx
Location: Microsoft Teams Meeting

Start: 1/27/2021 6:00:00 PM
End: 1/27/2021 7:00:00 PM
Show Time As: Busy

Importance: High

Required Attendees: Tyler, Tom; Keigwin, Richard; Collazo Reyes, Yvette; Henry, Tala; Hartman, Mark; Siciliano, CarolAnn; Michal Freedhoff (Freedhoff.Michal@epa.gov); Hofmann, Angela
Optional Attendees: Tyler, Tom; Peter Smith; Desmond Mayes (Mayes.Desmond@epa.gov); Wormell, Lance; Mosby, Jackie; Gray, Shawna; Cole, Joseph E.; Kaczmarek, Chris; Fisher, Bethany; Sadowsky, Don; Anderson, Steve; Aranda, Amber; Rebersak, Shannon; Koch, Erin

TIME SENSITIVE - - request for OCSPP input on 7 TSCA rules by Wed Jan 27, 5pm

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From: Keigwin, Richard <Keigwin.Richard@epa.gov>

Sent: Wednesday, January 27, 2021 5:24 AM

To: Collazo Reyes, Yvette <CollazoReyes.Yvette@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>

Cc: Michal Freedhoff <michalfreedhoff@gmail.com>; Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Brown, KendraR <Brown.KendraR@epa.gov>; Anderson, Monique <anderson.monique@epa.gov>; Malloy, Ruth <malloy.ruth@epa.gov>

Subject: Fwd: TIME SENSITIVE - Regulatory Freeze Memo - request for OCSPP input on 7 TSCA rules by Wed Jan 27, 5pm

Yvette/Tala/Mark—

We have a very quick turnaround on this request. We will look for some time today to walk Michal through these rules so that we can meet the 5pm deadline.

Tom/Kendra/Monique/Ruth—

Please find an hour today on Michal's schedule for this group to meet to discuss these rules.

Thanks!

—Rick

Rick Keigwin

Acting Deputy Assistant Administrator for Management

Office of Chemical Safety and Pollution Prevention

U.S. Environmental Protection Agency

Phone: 202-564-2910

Sent from my iPhone (Please excuse typos!)

Begin forwarded message:

From: "Payne, James (Jim)" <payne.james@epa.gov>

Date: January 27, 2021 at 12:59:56 AM EST

To: "Freedhoff, Michal" <Freedhoff.Michal@epa.gov>, "Henry, Tala" <Henry.Tala@epa.gov>, "Keigwin, Richard" <Keigwin.Richard@epa.gov>, "Siciliano, CarolAnn" <Siciliano.CarolAnn@epa.gov>

Cc: "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>, "Nickerson, William" <Nickerson.William@epa.gov>, "Arroyo, Victoria" <Arroyo.Victoria@epa.gov>, "Simons, Andrew" <Simons.Andrew@epa.gov>, "Talty, Mark" <Talty.Mark@epa.gov>, "Cole, Joseph E." <cole.josephe@epa.gov>, "Chaudhary, Dimple" <Chaudhary.Dimple@epa.gov>, "Hoffer, Melissa" <Hoffer.Melissa@epa.gov>, "Utech, Dan" <Utech.Dan@epa.gov>, "Garbow, Avi" <Garbow.Avi@epa.gov>, "Nishida, Jane21" <ActAdmJ21Nishida@epa.gov>

Subject: TIME SENSITIVE - Regulatory Freeze Memo - request for OCSPP input on 7 TSCA rules by Wed Jan 27, 5pm

Hello to OCSPP Colleagues,

As Jane indicated below, on Jan 20 White House Chief of Staff Ronald Klain issued a **regulatory freeze memo**, pausing promulgation of regulations in the Federal Register until new agency heads and teams have an opportunity to review them.

As background, this freeze memo also **directs agencies to consider pausing rules recently published in the Federal Register that have not yet become effective, in order to allow review.**

- The freeze memo directs agencies to “consider postponing” the effective dates for these rules by 60 days, so as to allow further review of “any questions of fact, law, and policy the rules may raise.”
- The memo has exceptions where a rule “allows for emergency situations or other urgent circumstances relating to health, safety, environmental, financial, or national security matters, or otherwise.” The agency also should consider whether the rule was promulgated to meet a statutory or court deadline.

EPA has the **following 7 TSCA rules** recently published in the Federal Register that are not yet effective (see attached spreadsheet, tab A), as summarized here:

7 TSCA rules:

- 5 rules under section 6(h) for persistent, bioaccumulative and toxic (PBT): 2,4,6-TTPB; PIP 3:1, PCTP; HCBDE; and DecaBDE
- 1 significant new use rule (SNUR) for 6 chemicals: phosphonium etc., calcium manganese titanium oxide; rare earth oxide (generic); acid-modified polyether (generic); alkenoic acid polymer etc.; and bis-alkoxy substituted alkane etc.
- 1 rule for dust-lead post abatement clearance levels

BY TOMORROW/WED at 5pm, please “reply all” with OCSPP views on whether OCSPP requests postponing, or not postponing, the effective dates of these 7 rules by 60 days to allow an opportunity to review, and indicate whether any exception or special circumstance exists.

- Jane, with Avi and others, will consider this input and make an agency decision.
- If the agency decides to postpone some or all of these 7 rules, it likely will submit the postponement to the Office of Federal Register **by this Friday**, so that the postponement will be published before Feb 5 which is when these 7 TSCA rules are currently scheduled to become effective.
- Note a decision to postpone the effective date of a rule does not indicate what decision the agency ultimately may make during the review period for that rule.

If there are questions about this regulatory process, you may contact:

- Bill Nickerson, Office of Policy
- Andy Simons, Mary Talty, OGC

For legal considerations with these 7 TSCA rules, you may contact Joe Cole and OGC PTSLO team.

As a heads up because of the short schedule for these 7 TSCA rules, we’re including as cc Jane, Avi and others who might be involved in making the agency decision on whether to postpone.

Thank you,

Jim Payne
Deputy General Counsel
Office of General Counsel
202-672-3727 cell

Helena Wooden-Aguilar
Deputy Associate Administrator
Office of Policy
202-302-6846

BACKGROUND

- 1) Klain regulatory freeze memo. See par 3, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/regulatory-freeze-pending-review/>
- 2) See attached 1/12/2021 Talty OGC memo on handling by prior Administrations of comparable provisions in past regulatory freeze memos.

From: Nishida, Jane21 <ActAdmNishida.Jane21@epa.gov>

Sent: Thursday, January 21, 2021 10:22 PM

To: Career Deputy Assistant Administrators <Career_Deputy_Assistant_Administrators@epa.gov>; Leadership_Deputy_Regional_Administrators <Leadership_Deputy_Regional_Administrators@epa.gov>

Cc: Utech, Dan <Utech.Dan@epa.gov>; Arroyo, Victoria <Arroyo.Victoria@epa.gov>; Cassady, Alison <Cassady.Alison@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>; Hoffer, Melissa <Hoffer.Melissa@epa.gov>

Subject: Regulatory Freeze Memo

On January 20, the Assistant to the President and White House Chief of Staff, Ronald Klain, issued a memorandum to the Heads of Executive Departments and Agencies ordering a freeze on any new or pending rules, including guidance, until the President's appointees or designees have the opportunity to review them. This order is subject to exceptions applying to rules for emergency situations or other urgent circumstances relating to health, safety, environmental, financial or national security matters.

Pursuant to this order, I am directing that all offices immediately take no further action to propose or issue a rule in any manner until an official appointed or designated by the President reviews and approves the rule. I am attaching the White House memorandum for your reference.

Thank you as we implement this important order.